

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

DETINA EATON
ADC #707841

PLAINTIFF

V.

NO: 1:08CV00032 JLH/HDY

LAVONDA DUNAVION

DEFENDANT

ORDER

In response to the Court's order of December 30, 2008 (docket entry #23), and in anticipation of the evidentiary hearing scheduled for Tuesday, March 31, 2009, at 9:30 a.m. in Room #2B of the Richard Sheppard Arnold United States Courthouse in Little Rock, Arkansas; Plaintiff has submitted a proposed witness list (docket entry #25). Plaintiff requests seven witnesses to be called on her behalf other than herself. Those individuals are: correctional officers Amanda Dutton, Clara Robinson, Carol Lassitter, and Teresa Bumpers; inmates Tanya Reynolds and Belinda McBay, and lieutenant Boyd Martin. Defendants have filed a response to the list (docket entry #26).¹

According to the summaries of the expected testimony Plaintiff has provided, all the proposed witnesses will testify to essentially the same facts. After careful review, the Court concludes that Plaintiff should be allowed as witnesses only Amanda Dutton, Belinda McBay, and Boyd Martin. The remainder of Plaintiff's proposed witnesses are cumulative.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff is allowed as witnesses Amanda Dutton, Belinda McBay, and Boyd Martin.

Plaintiff's other proposed witnesses are denied.

¹Defendants' response references the "prejury hearing" that is set for March 31, 2009. However, the hearing is actually an evidentiary hearing.

2. The Arkansas Department of Correction is directed to ensure Plaintiff's attendance at the trial, to bring Plaintiff's institutional and medical jackets to the trial.

3. The Arkansas Department of Correction is further directed to ensure the attendance of inmate Belinda McBay, and employees Amanda Dutton and Boyd Martin.

DATED this 20 day of March, 2009.



UNITED STATES MAGISTRATE JUDGE